

AMENDED IN ASSEMBLY JULY 2, 2003

AMENDED IN SENATE APRIL 23, 2003

SENATE BILL

No. 481

Introduced by Senator McPherson

February 20, 2003

An act to amend Section 8484.8 of the Education Code, relating to afterschool programs.

LEGISLATIVE COUNSEL'S DIGEST

SB 481, as amended, McPherson. 21st Century Community Learning Centers.

The Budget Act of 2002 appropriated \$40,867,000 payable from the Federal Trust Fund to the State Department of Education for the 21st Century Community Learning Centers. Existing law sets forth a schedule directing the allocation of those funds in specified amounts for purposes of providing technical assistance, evaluation, and training services and for direct grants related to 21st Century Community Learning Center programs.

This bill, each fiscal year, would require that federal funds appropriated to the state pursuant to the No Child Left Behind Act of 2001 for purposes of the 21st Century Community Learning Centers, upon appropriation, be allocated, based on specified percentages, for the technical assistance, evaluation, and training services, and direct grants. *The bill would require the State Department of Education, in awarding grants, to give equal consideration to school district sponsored programs and community based programs.*

Existing law authorizes grants, consistent with the provisions of the 21st Century Community Learning Centers program, for programs

serving high school pupils. Existing law requires the department to work with the Legislature and other specified parties to adopt or restructure a high school after school program for California, as provided. Existing law provides that grantees of the program are eligible for 4th and 5th year funding consistent with the restructured requirements.

This bill instead, would, provide that if the program requirements are restructured during the 5-year grant period, the grantee is eligible for funding consistent with the restructured requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8484.8 of the Education Code is
2 amended to read:

3 8484.8. In each year that federal funds are available to the
4 state pursuant to Part B of Title IV of the No Child Left Behind Act
5 of 2001 (P.L. 107-110) for purposes of the 21st Century
6 Community Learning Centers, upon appropriation, the funds shall
7 be available for expenditure as follows:

8 (a) Of the total amount available each year, 2.45 percent shall
9 be available to the ~~State Department of Education~~ department for
10 purposes of providing technical assistance, evaluation, and
11 training services for carrying out programs related to 21st Century
12 Community Learning Center programs.

13 (b) (1) Of the total amount available each year, up to 8.56
14 percent shall be available for direct grants, in an amount not to
15 exceed twenty-five thousand dollars (\$25,000) per site, per year,
16 for community learning center programs that serve middle and
17 elementary school pupils for providing equitable access to, and
18 participation in, community learning center programs, according
19 to needs determined by the local community.

20 (2) The ~~State Department of Education~~ department shall
21 determine the requirements for eligibility for a grant under this
22 subdivision, consistent with the following:

23 (A) Consistent with the local partnership approach inherent in
24 Article 22.5 (commencing with Section 8482), grants awarded
25 under this subdivision shall provide supplemental assistance to
26 programs. It is not intended that a grant fund the full anticipated



1 costs of the services provided by a community learning center
2 program.

3 (B) In determining the need for a grant pursuant to this
4 subdivision, the ~~State Department of Education~~ *department* shall
5 base its determination on a needs assessment and a determination
6 that existing resources are not available to meet these needs,
7 including, but not limited to, a description of how the needs,
8 strengths, and resources of the community have been assessed,
9 currently available resources, and the justification for additional
10 resources for that purpose.

11 (C) The ~~State Department of Education~~ *department* shall award
12 grants for a specific purpose, as justified by the applicant.

13 (3) To be eligible to receive a grant under this subdivision, the
14 designated public agency representative for the applicant shall be
15 required to certify that an annual fiscal audit will be conducted and
16 that adequate, accurate records will be maintained. In addition,
17 each applicant shall provide the ~~State Department of Education~~
18 *department* with the assurance that funds received under this
19 subdivision shall be expended only for those services and supports
20 for which they are granted. The ~~State Department of Education~~
21 *department* shall require grant recipients to submit annual budget
22 reports, and the ~~State Department of Education~~ *department* shall
23 have the authority to withhold funds in subsequent years if direct
24 grant funds are expended for purposes other than as awarded.

25 (c) Of the total amount available each year, up to 2.45 percent
26 shall be available for direct grants of up to twenty thousand dollars
27 (\$20,000) per site, per year, for providing family literacy services
28 only to those schoolsites that identify a need for families of 21st
29 Century Community Learning Center program pupils, and that
30 demonstrate a fiscal hardship by certifying that existing resources
31 including, but not limited to, funding for Title III of the No Child
32 Left Behind Act of 2001 (P.L. 107-110), Chapter 3 (commencing
33 with Section 300) of Part 1, adult education, community college,
34 and the federal Even Start Program are not available or are
35 insufficient to serve these families. An assurance that the funds
36 received under this subdivision shall be expended only for those
37 services and supports for which they were granted shall be
38 required.

39 (d) Of the total amount available each year, 6.12 percent shall
40 be allocated on a priority basis for grants to community learning

1 center programs serving high school pupils, and the remainder of
2 this amount shall be allocated on a priority basis for programs for
3 middle and elementary school pupils.

4 (e) Grant awards under this section shall be restricted to those
5 applications that propose primarily to serve pupils that attend
6 schoolwide programs, as described in Title I of the No Child Left
7 Behind Act of 2001 (P.L. 107-110). Competitive priority shall be
8 given to applications that propose to serve children and youth in
9 schools designated as being in need of improvement under
10 subsection (b) of Section 6316 of Title 20 of the United States
11 Code, and that are jointly submitted by school districts and
12 community-based organizations. *In order to ensure diversity of the*
13 *programs, the department shall give equal consideration to*
14 *district sponsored programs in which a school district is the fiscal*
15 *agent, and to community based programs in which a community*
16 *based organization is the fiscal agent.* Applications to serve pupils
17 in programs that have received grants under Article 22.5
18 (commencing with Section 8482) shall be funded only when
19 proposing to expand in additional sites or to add pupils to a
20 currently funded site.

21 (f) Core funding grants for programs serving middle and
22 elementary school pupils in before and after school programs shall
23 conform to the per pupil rates and grant maximum amounts
24 established in Article 22.5 (commencing with Section 8482) for
25 similar state funded programs. Funding for each grant shall be
26 allocated in annual increments for a period not to exceed five
27 years. A first year grant award of core funding shall be fully
28 allocated if a program has achieved no less than 70 percent of the
29 proposed pupil attendance. Second year core funding shall be fully
30 allocated if a program has achieved no less than 85 percent of the
31 proposed pupil attendance. Subsequent year core funding shall be
32 allocated if a program has achieved no less than 100 percent pupil
33 attendance. Each grantee shall be required to identify the federal,
34 state, and local programs that will be combined or coordinated
35 with the proposed program for the most effective use of public
36 resources, and to describe a plan for continuing the program
37 beyond federal grant funding. Grantees shall be required to submit
38 annual attendance data and results to facilitate evaluation and
39 compliance with provisions established by the ~~State Department~~
40 ~~of Education~~ department. Programs receiving grants under this

subdivision are not assured of grant renewal from future state or federal funding at the conclusion of the grant period.

(g) A total annual grant award for core funding and direct grants for a site serving elementary or middle school pupils shall be fifty thousand dollars (\$50,000) per year or more, consistent with federal requirements.

(h) Grants for programs serving high school pupils at schoolsites or sites of other organizations, as determined to be eligible by the ~~State Department of Education~~ department and consistent with the provisions of the 21st Century Community Learning Centers program, shall be available as an annual minimum grant of fifty thousand dollars (\$50,000) per year. Grant funding above the minimum shall be determined in proportion to the average daily attendance of the high school program site or sites to be served and other factors including, but not limited to, proposed attendance and effective use of resources as determined by the ~~State Department of Education~~ department up to two hundred and fifty thousand dollars (\$250,000) per year for five years. A grantee that establishes a high school program pursuant to this subdivision shall be subject to annual reporting and recertification as required by the ~~State Department of Education~~ department. After the second year, the ~~State Department of Education~~ department shall reduce funding of programs in which actual attendance is significantly below proposed attendance levels. An evaluation of the program funded pursuant to this subdivision shall be submitted no later than 180 days after the completion of the second year of the program. The ~~State Department of Education~~ department shall provide the results of that evaluation and work with the Legislature, the Department of Finance, program providers, and other interested parties to adopt or restructure a high school after school program for California that is both programmatically and fiscally sound. ~~Grantees shall be eligible for fourth and fifth year~~ *If program requirements are restructured during the course of the five-year grant period, the grantee is eligible for funding consistent with the restructured requirements.* Each grantee shall be required to identify the federal, state, and local programs that will be combined or coordinated with the proposed program for the most effective use of public resources and to describe a plan for continuing the program beyond federal grant funding. Grantees shall be required

1 to submit annual attendance data results to facilitate evaluation and
2 compliance with provisions established by the ~~State Department~~
3 ~~of Education~~ *department*. Programs receiving grants under this
4 subdivision are not assured of grant renewal from future state or
5 federal funding at the conclusion of the grant period.

6 (i) Funds received but unexpended under this article may be
7 carried forward to subsequent years consistent with federal
8 requirements. In year one, the full grant may be retained.

9 (j) The provisions of this article shall be operative only to the
10 extent that federal funds are made available for the purposes of this
11 article. It is the intent of the Legislature that the provisions of this
12 article not be considered a precedent for general fund
13 augmentation of either the state administered, federally funded
14 program of this article, or any other state funded before or after
15 school program.

